

**SOUTH CAROLINA PUBLIC SERVICE COMMISSION**

**HEARING OFFICER DIRECTIVE**

**DOCKET NOS. [2017-370-E](#), [2017-207-E](#), and [2017-305-E](#) ORDER NO. 2018-147-H**

**OCTOBER 16, 2018**

David Butler  
Hearing Officer

**DOCKET DESCRIPTION:**

**Docket No. 2017-370-E** – Joint Application and Petition of South Carolina Electric & Gas Company and Dominion Energy, Incorporated for Review and Approval of a Proposed Business Combination between SCANA Corporation and Dominion Energy, Incorporated, as May Be Required, and for a Prudency Determination Regarding the Abandonment of the V.C. Summer Units 2 & 3 Project and Associated Customer Benefits and Cost Recovery Plans

**Docket No. 2017-207-E** – Friends of the Earth and Sierra Club, Complainant/Petitioner v. South Carolina Electric & Gas Company, Defendant/Respondent

**Docket No. 2017-305-E** – Request of the Office of Regulatory Staff for Rate Relief to South Carolina Electric & Gas Company's Rates Pursuant to S.C. Code Ann. § 58-27-920

**MATTERS UNDER CONSIDERATION:**

**Deadline for Submission of Lists of Names of Actual Non-Pre-Filed Witnesses/Depositions**

**Order of Presentation of Non-Pre-Filed Witnesses/Depositions at Hearing on Dockets**

**HEARING OFFICER ACTION:**

I had requested in Order No. 2018-130-H that the parties furnish a list of deposition /non-pre-filed witnesses to be used in these Dockets by October 15, 2018. The Office of Regulatory Staff (“ORS”) and Friends of the Earth/Sierra Club (“FOE/SC”) submitted lists of “potential” Non-Pre-Filed Witnesses whose testimony may be offered at the hearing in these consolidated Dockets. Although this information is useful, and I realize that there may be some discovery disputes that have not been resolved and that various other circumstances may exist that prevented these parties from presenting a list of actual non-pre-filed witnesses, the Commission requires that the exact names be provided to the Commission prior to the hearing. For this reason, the parties shall provide lists of the names of non-pre-filed witnesses/depositions that they intend to use at the hearing in this

matter. Certainly, a “good cause” exception may exist that would add other names to the lists later, but witnesses presented under the “good cause” exception may only be presented with the express permission of the Chairman. Further, the expectation is that the granting of permission to exercise a “good cause” exception would be unusual, rather than being the rule. In any event, unless a party has already provided a list of names that will be presented at the hearing, the parties will furnish such lists on or before the close of business on Thursday, October 25, 2018. I would cite the South Carolina Electric & Gas (“SCE&G”) list filed on October 15, 2018 as a good example of the type of list being requested by this Hearing Officer. Again, the admission of depositions into the evidence of the case is subject to the South Carolina Rules of Civil Procedure and the South Carolina Rules of Evidence.

Further, I hold that non-pre-filed witnesses/depositions may only be presented in the proceeding after all pre-filed witnesses have been presented, unless permission to deviate from this policy is expressly granted by the Chairman. Again, the expectation is that such a circumstance would be the “exception” rather than the “rule.”

This ends the Hearing Officer’s Directive.